

must include access to quality education, access to capital, and assistance with institution building.

For women, we must make efforts to shatter the glass ceiling that limits participation at the highest levels and perpetuates the old boy network. For Asian Americans, we must seek to remove the mystery that surrounds the Asian community, when even fourth- and fifth-generation Americans are viewed with suspicion as foreign or not real Americans. I am certain, Mr. President, there are as many other worthwhile suggestions that will come forward in the coming weeks, and I look forward to considering and debating these and other suggestions. But the point is that I think the Adarand decision becomes a starting point, a take-off point for us to begin to have an honest dialog about where we are going in this Nation and how we can go there together.

While I have the utmost respect for those who come forward with new ways to provide opportunity to all, I still, frankly, find it irresponsible that some would merely seek to limit opportunity without putting forward any new proposals, folks who would suggest that repealing our current efforts to provide opportunity without proposing any new solutions. This, in my opinion, is nothing more than a thinly veiled laissez-faire attitude toward diversity that is, at best, shortsighted.

Instead of a deconstructionist approach, tearing down affirmative action and putting nothing in its place, I encourage my colleagues to join in developing creative solutions to the legacy of discrimination in this country. For guidance, I believe we can look to the countless individuals, the men and women around this country who are already working in the communities to ensure that the American dream is available for all of us and not just for some of us.

And consider for a moment the example of LISC, Local Initiative Support Corporation. LISC was established in 1979 to provide financing and technical know-how to nonprofit community organizations, know-how these groups used to develop low- and moderately affordable housing and attract commercial investments, create jobs and expand services in underserved neighborhoods. We need to build on successes such as these rather than give up on the dream of true equality in America. There are enough success stories out there, there are enough examples of people working together to forge a true network, a true quilt of diversity that will reflect the best that is America. I believe we have an obligation to look to those examples and to replicate them wherever we can.

Mr. President, also, I would like to add that while some uncertainty may surround Federal Government set-aside programs, there are a host of other activities which are in no way jeopardized by the Adarand ruling. While efforts such as the set-asides in the

Small Business Act have been extremely important in helping to bring minorities into the economic mainstream, they, frankly, do not comprise the heart of this Government's efforts in regard to affirmative action.

Despite all the attention that has been focused on the set-aside program, the heart of affirmative action is not set-asides. The heart of affirmative action, on the other hand, is, in fact, to create a climate in which diversity can thrive and which allows women and minorities to succeed. The heart of affirmative action is about ensuring that the qualifications of women and minorities will be considered and not ignored.

Affirmative action does not seek to guarantee any individual a job or a contract. Rather, it seeks to give women and minorities a chance to succeed or fail, sink or swim, based on ability, not race or gender. Affirmative action, therefore, encompasses efforts such as recruiting at historically black colleges and universities, in addition to the Big Ten and Ivy League schools so that the most talented young African Americans will be considered for jobs and careers along with most talented white Americans. It includes the Executive order on affirmative action which requires the Federal contractors to maximize the percentages of women and minorities in their work force without ever requiring quotas or preferences.

In short, affirmative action is, at its heart, about ensuring equal opportunity, not equal results. Affirmative action is not a zero sum gain. It does not have winners and losers. We all win when we open up opportunity and stir the competitive pot to allow a real meritocracy to develop in this country, one that is color blind and gender neutral and does not insist that the shackles of the past are just accidents of birth for which we have no collective obligation as a Nation to remove and overcome.

Diversity is our strength, not our weakness—or it can be, anyway, so long as we do not allow those who would separate us on the basis of race or gender to prevail. This is not, Mr. President, "Let's all get along," and this is not paternalism, it is an acknowledgment that we are all in this together. We will all rise or fall, sink or swim, together as Americans. Recognizing that, let us not retreat. Instead, let us go forward together to build on the progress that has been made so far. It is in our collective and national interest that we do so. The future of our country, and nothing less important than that, hinges on our response at this time in our history to this very important longstanding issue of the character of the American society.

Thank you very much, Mr. President. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1301, AS MODIFIED

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Stevens amendment No. 1301 be modified with the language I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is so modified.

The amendment (No. 1301), as modified, is as follows:

At the appropriate place insert the following:

In section 3(tt) of the Communications Act of 1934, as added by section 8(b) of the bill on page 14, strike "services." and insert the following: "services: *Provided, however,* That in the case of a Bell operating company cellular affiliate, such geographic area shall be no smaller than the LATA area for such affiliate on the date of enactment of the Telecommunications Act of 1995."

Mr. PRESSLER. I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I have a unanimous-consent agreement that has been read and approved by the distinguished Democratic leader. I would be glad to yield if he has a comment to make.

Mr. DASCHLE. I thank the Senator from Mississippi for yielding. This does represent a very good-faith effort on both sides to try to accommodate all Senators who have remaining amendments, and I think that as a result of this agreement, there is a likelihood that we can finish our work in the morning and begin voting sometime in the early afternoon.

I appreciate all Senators' cooperation and hope that we can agree that as a result of this, we will finish our work tomorrow sometime. I thank the Senator from Mississippi.

Mr. LOTT. I thank the Democratic leader. I commend him and our leader for working together to help bring this to a conclusion. Our two committee leaders, the Senator from South Dakota and the Senator from South Carolina, have certainly done their part. We are getting close. I hope we can finish tomorrow.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that debate on the 9

amendments be in order tomorrow and debate on any remaining pending first degree amendments be limited to 30 minutes, with the exception of amendments Nos. 1299 and 1341, with time on any second-degree amendments limited to 15 minutes; that the Senate begin voting on or in relation to the remaining pending amendments beginning at 12:15 p.m. tomorrow; that upon disposition of the pending amendments, the bill be read the third time, and a vote on final passage occur without any intervening action or debate; further, if an amendment has not had any debate on Thursday due to the time constraints prior to 12:15 p.m., it be given 10 minutes on the first degree amendment and 5 minutes on any second degree thereto; provided further that in between the stacked votes beginning at 12:15 p.m., there be 2 minutes for explanation prior to each vote; and that all time limits be equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR THURSDAY, JUNE 15, 1995

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. on Thursday, June 15, 1995; that following the prayer, the Journal of the proceedings be deemed approved to date, and the time for 2 leaders be reserved for their use later in the day, and the Senate then immediately resume consideration of S. 652, the telecommunications bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. LOTT. Under the previous provisions of the agreement entered earlier this evening, on Thursday, debate time will be limited to 30 minutes on each of the pending amendments to the telecommunications bill.

Members should be aware at approximately 12:15 on Thursday there will be a series of rollcall votes, possibly as many as nine votes, on or in relation to the amendments on the telecommunications bill. The last vote in that series will be final passage. Senators should be aware that rollcall votes will occur throughout Thursday's session of the Senate.

#### TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT

The Senate continued with the consideration of the bill.

Mr. HOLLINGS. While the distinguished Senator from Virginia is here, there is no one I admire more, and I would be ready, willing, and able to try to respond. It came to my attention in discussing this just in the last hour that they had a provision in here rel-

ative to getting into—I did not realize, Mr. President, on page 99, the language appeared about getting into the manufacturing.

It reads:

... if the Commission authorizes a Bell operating company to provide interLATA services. . . , then that company may be authorized by the Commission to manufacture and provide telecommunications equipment, and to manufacture customer premises equipment, at any time after that determination is made, subject to the requirements of this section. . . .

So the work of the distinguished Senator from Virginia is accurate. I had always contended that the manufacturer had no relation whatever to long distance. I think it ought to be written somewhere in the CONGRESSIONAL RECORD that I worked with the Bell operating companies for a good many years on the manufacturing bill.

At the time we passed it in the U.S. Senate, 2 years ago—3 years ago now—by a bipartisan 74 votes, it had no relation not only to long distance, but the RBOC's told this particular Senator time and time again, "We are not interested in getting into long distance. We are not interested at all in long distance. We are trying to get into manufacturing."

Now, there was a difference. The distinguished chairman and Senators on his side, although we voted it, and that is the way it provided in last year's bill, S. 1822, they had a provision that manufacturing could not commence for 3 years. The compromise was made as appears on page 99 that it was after they got into interLATA it was authorized.

I do not question the logic, in a sense, of the distinguished Senator from Virginia. However, then our side, in the negotiations and drawing this measure, said that irrespective of that particular production, namely, the development and actual manufacture of equipment, that we could immediately get into the design, saying:

Upon the enactment of the Telecommunications Act of 1995, a Bell operating company may—

(A) engage in research and design activities related to manufacturing, and

(B) enter into royalty agreements with manufacturers of telecommunications equipment.

And then in section (b) you have to have a separate subsidiary. So long as they have that separate subsidiary, and they cannot cross subsidize, in any fashion, their research and design activities, the research and design activities have no relation whatever to the checklist, or the checklist is premised on getting in, of course, to long distance service. There is no connection, whatever. And I really think if we were not this far along in the bill I would be talking to my chairman to knock that page 99 out and that provision out. We have agreed to support the bill as is.

I understand that some in that particular manufacturing business realize that the research and design, the software, is 90 percent of the business.

That is the developmental part. They do not want anyone to get into it as long as they can possibly prevent anyone getting into research and design.

Now, if this Senator were king for a day, I would have them into research and design tomorrow morning. I would have no relation whatever to the interLATA services getting into long distance or the checklist. That is why I wanted the Senator to lay that clearly on top of the table here. I am not trying to oppose the Senator, I am trying to support him. There is the reason I cannot support it at this time.

Mr. WARNER. Mr. President, I thank my distinguished colleague. My distinguished colleague took the time to meet with my constituents a few minutes ago and expressed to them his concerns about it.

Might I suggest that we endeavor to get back to the distinguished Senator from South Carolina tomorrow morning and, indeed, both managers of the bill, with perhaps some language that would resolve this problem.

The Senator from South Carolina has spoken with clarity now. He has defined the issue far more clearly. We will take another try in the morning. I thank him for his cooperation.

Mr. PRESSLER. Mr. President, I would like to say that I join in Senator HOLLINGS' earlier remarks on manufacturing, and I thank my good friend from Virginia for reconsidering. I hope he will be able—this bill has been crafted in this area.

I know that the Senator from South Carolina had the amendment a couple years ago about manufacturing. I know this has been worked on day and night during the drafting sessions, and of course all Senators are welcome to offer amendments, but I do hope and I should say that I would stand with the Senator from South Carolina, based on the information I have at this moment.

Mr. WARNER. I thank the other distinguished manager from South Dakota. I hope that we will remain with open mind until tomorrow morning and I can address the issue.

#### MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Governmental Affairs.

(The nomination received today is printed at the end of the Senate proceedings.)